

Federal Communications Commission

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Before the
Federal Communications Commission
Washington, D.C. 20554

NOV 19 2002

FCC-MAILROOM

In the Matter of

Amendment of Section 73.622(b),
Table of Allotments,
Digital Television Broadcast Stations.
(Wailuku, Hawaii)

MB Docket No. 02-221
RM-10519

REPORT AND ORDER
(Proceeding Terminated)

Adopted November 7, 2002

Released: November 15, 2002

By the Chief, Video Division:

1. At the request of LeSea Broadcasting Corporation ("LeSea"), licensee of station KWHM(TV), Wailuku, Hawaii, the Commission has before it the Notice of Proposed Rule Making, 17 FCC Rcd 15427 (2002), proposing the substitution of DTV channel 45 for station KWHM(TV)'s assigned DTV channel 20. LeSea filed comments and reply comments supporting the channel substitution at Wailuku. No other comments were received.

2. We believe the public interest would be served by substituting DTV channel 45 for DTV channel 20 since it will enable KWHM-DT to co-locate with other broadcasters on a jointly owned tower. DTV channel 45 can be allotted to Wailuku, Hawaii, as proposed, in compliance with the principle community coverage requirement of Section 73.625(a) at coordinates 20-40-58 N. and 156-19-07 W. In addition, we find that this channel is acceptable under the 2 percent criterion for *de minimis* impact that is applied in evaluating requests for modification of initial DTV allotments under Section 73.623(c)(2) for Station KWHM-DT with the following specifications:

<u>State & City</u>	<u>DTV Channel</u>	<u>DTV power (kW)</u>	<u>Antenna HAAT (m)</u>	<u>DTV Service Pop. (thous.)</u>
HI Wailuku	45	87	1298	

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3. Accordingly, pursuant to the authority contained in Sections 4(i), 5(c)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Sections 0.61, 0.204(b) and 0.283 of the Commission's Rules, IT IS ORDERED, That effective December 30, 2002, the DTV Table of Allotments, Section 73.622(b) of the Commission's Rules, IS AMENDED, with respect to the community listed below, to read as follows:

<u>City</u>	<u>Channel No.</u>
Wailuku, Hawaii	16c, 24, *28c,

29, *30, *34c,
36.45

4. IT IS FURTHER ORDERED, That within 45 days of the effective date of this *Order*, LeSea Broadcasting Corporation shall submit to the Commission a minor change application for a construction permit (FCC Form 301) specifying DTV Channel 45 in lieu of DTV Channel 20 for station KWHM-DT.

5. IT IS FURTHER ORDERED, That this proceeding IS TERMINATED.

6. For further information concerning this proceeding, contact **Pam** Blumenthal, Media Bureau, (202) 418-1600.

FEDERAL COMMUNICATIONS COMMISSION

Barbara A. Kreisman
Chief, Video Division
Media Bureau